

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERESO NUNGARAY VIDALES,

Defendant.

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8:09CR393

ORDER

This matter is before the court on the motion for an extension of time by defendant Tereso Nungaray Vidales (Vidales) (Filing No. 19). Vidales seeks to file a motion to suppress out of time. His motion also contains a motion to suppress and dismiss. This matter is set for trial before Chief Judge Bataillon and a jury on December 6, 2010. The court will grant Vidales's motion for extension of time and schedule an evidentiary hearing on the motion to suppress and dismiss forthwith. An evidentiary hearing is scheduled before the undersigned magistrate judge **on November 9, 2010, at 9:00 a.m.** in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant shall be present for such hearing. The government shall have to on or before November 8, 2010, in which to respond to the defendant's motion to suppress and dismiss.

IT IS SO ORDERED.

DATED this 1st day of November, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge